

## Article - Tax - General

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§13–715.

(a) (1) Subject to the provisions of paragraph (2) of this subsection, any person who is an income tax return preparer with respect to any return or claim for refund, who is required under § 10-804(b)(2) of this article to sign the return or claim for refund, and who fails to comply with that requirement with respect to the return or claim for refund shall pay a penalty of \$50 for that failure, unless it is shown that the failure is due to reasonable cause and not due to willful neglect.

(2) The maximum penalty imposed under this subsection on any person with respect to documents filed during any calendar year may not exceed \$25,000.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, any person who is an income tax return preparer with respect to any return or claim for refund and who fails to comply with § 10-804(c)(3) of this article with respect to the return or claim for refund shall pay a penalty of \$50 for that failure, unless it is shown that the failure is due to reasonable cause and not due to willful neglect.

(2) The maximum penalty imposed under this subsection on any person with respect to documents filed during any calendar year may not exceed \$25,000.

(c) (1) The Attorney General may bring an action in the name of the State or the Comptroller to enjoin a person from acting as an income tax return preparer as defined in § 7701 of the Internal Revenue Code.

(2) A court may enjoin a person from acting as an income tax return preparer if the court determines:

- (i) that the income tax return preparer:
  - 1. failed to comply with § 10–804(b)(2) or (c)(3) of this article;
  - 2. misrepresented the income tax return preparer's experience, education, or registration as an income tax return preparer;
  - 3. guaranteed the payment of a tax refund or a tax credit; or

4. engaged in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of this article; and

(ii) that injunctive relief is appropriate to prevent the recurrence of the conduct specified in this paragraph.

(3) The Attorney General shall bring the action in the county where the defendant:

(i) resides; or

(ii) engages in the practice of income tax return preparation.

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